



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

**999 18<sup>TH</sup> STREET- SUITE 300**

**DENVER, CO 80202-2466**

**Phone 800-227-8917**

**<http://www.epa.gov/region08>**

**SDMS Document ID**



**2046732**

**JUN - 6 2005**

**Ref: 8EPR-SR**

**CERTIFIED MAIL**

**JAMES ACOSTA  
4358 SHERMAN ST  
DENVER CO 80216**

**Dear JAMES:**

Our records indicate that you are the owner of the following residential rental property(ies):

**4411 CHEROKEE ST  
4415 CHEROKEE ST.**

These residential properties are located within the Vasquez Blvd./Interstate 70 (VB/I-70) Superfund Site at which EPA is removing and replacing soils with elevated lead and/or arsenic. The purpose of this action is to reduce human health risks associated with these contaminants. From EPA's studies, it was found that each property must be sampled to determine if increased risk to human health exists at that property. If the soil sampling finds levels of lead and arsenic above our cleanup levels established for the VB/I-70 Superfund site, EPA will remove and replace the top 12 inches of soil on the property. After the cleanup has been completed, EPA will landscape with sod and/or mulches as agreed to by the homeowner. EPA is planning to complete soil cleanups this year.

Despite numerous attempts to obtain access to your property, EPA has not received your approval to sample your property(ies). Please sign and return the enclosed access form and include a phone number where you can be reached. When we receive this signed document, EPA will have your permission to sample your property, and if necessary, to conduct the soil cleanup. Please return the signed access form to:

**USEPA**

**Victor Ketellapper (8EPR-SR)**

**999 18<sup>th</sup> St. Suite 300**

**Denver, CO 80027**

After the results of the soil sampling have been received, EPA will share the sampling results with you. If the results find that a soil removal is needed, an EPA representative will contact you to prepare a restoration/landscaping plan prior to starting the cleanup work.

Under EPA's *Policy Towards Owners of Residential Property at Superfund Sites*, dated July 3, 1991, EPA may exercise its discretion in not pursuing residential property owners for the cost of the clean up of their property when they have not caused or contributed to such contamination. As a result, EPA has cleaned up hundreds of residential properties at the VB/70 Superfund Site at no cost to the residential property owner. EPA has the ability to order a property owner to give it access and may enforce such an order in federal court. If EPA finds it necessary to issue an order to obtain access, the above mentioned Policy would not apply and the homeowner could be held liable for all costs relating to the cleanup, including the cost of cleanup, sampling costs and the costs incurred by EPA in obtaining access to the property.

Please contact Victor Ketellapper, Project Manager or myself if you have any questions regarding this letter. Victor's phone number is (303)312-6578. I can be reached at (303)312-6518.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Kellen', with a long, sweeping horizontal line extending to the right.

Karen Kellen  
Enforcement Attorney



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**  
**Victor Ketellapper**  
**Phone 800-227-8917**  
**<http://www.epa.gov/region08>**

**CONSENT FOR ACCESS TO PROPERTY**

**Name: JAMES ACOSTA (or current property owner)**

**Location of Property: 4411 CHEROKEE ST**

I consent to officers, employees, and authorized representatives of the United States Environmental Protection Agency (EPA) entering and having continued access to the above referenced property for the purpose of taking samples of soil on the Site.

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 U.S.C. § 9601 *et seq.*

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Phone Number**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**



*Printed on Recycled Paper*



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

**Victor Ketellapper**

**Phone 800-227-8917**

**<http://www.epa.gov/region08>**

**CONSENT FOR ACCESS TO PROPERTY**

**Name: JAMES ACOSTA (or current property owner)**

**Location of Property: 4415 CHEROKEE ST**

I consent to officers, employees, and authorized representatives of the United States Environmental Protection Agency (EPA) entering and having continued access to the above referenced property for the purpose of taking samples of soil on the Site.

I realize that these actions are undertaken pursuant to EPA's response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), 42 U.S.C. § 9601 *et seq.*

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



*Printed on Recycled Paper*

7001 0320 0005 8114 3843

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800 January 2001

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. JAMES ACOSTA  
 4358 SHERMAN STREET  
 DENVER, CO 80216

*EP/SLR 81*

JUN -7 2005

2. Article Number  
 (Transfer from service label)

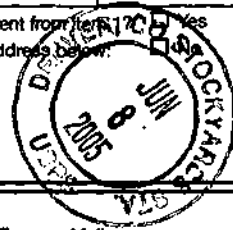
7001 0320 0005 8114 3843

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ Agent ☐ Addressee  
*X Alice Acosta*

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below.



3. Service Type  
☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes